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6 Attorney for Secured Creditor
7 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF CWABS, INC., ASSET BACKED CERTIFICATES,
8 SERIES 2004-BC4, its successors and/or assignees

9
10 UNITED STATES BANKRUPTCY COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 RIVERSIDE DIVISION

13
14 In Re:) CASE NO.: 6:23-bk-10896-WJ
15 PATRICIA ANN DOUBLET) CHAPTER 13
16 Debtor (s).) **OBJECTION TO CHAPTER 13**
17) **PLAN**
18) Date: 09/18/2023
19) Time: 1:30 PM
20) Courtroom: 304
21) Location: 3420 Twelfth St., Riverside,
22) CA 92501
23)
24) Judge: Wayne E. Johnson
25)
26)
27)
28)
TO ALL PARTIES IN INTEREST AND TO THEIR ATTORNEYS OF RECORD:

1 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE
2 FOR THE CERTIFICATEHOLDERS OF CWABS, INC., ASSET BACKED CERTIFICATES,
3 SERIES 2004-BC4, its successors and/or assignees, (“Secured Creditor”) in the above-entitled
4 Bankruptcy proceeding, hereby submits the following Objections to Confirmation of the Chapter
5 13 Plan proposed by (“Debtor”) Patricia Ann Doublet.

6 Secured Creditor is entitled to receive payments pursuant to a Promissory Note which
7 matures on August 1, 2034 and is secured by a Deed of Trust on the subject property commonly
8 known as 12615 Cathy Street, Los Angeles, CA 91342-3333. As of March 8, 2023, the
9 approximate amount in default was \$96,854.93, as will be described in a Proof of Claim; Secured
10 Creditor files this Objection to protect its interests.

11 **ARGUMENT**

12 Under 11 U.S.C. §1325, the provisions for plan confirmation in a Chapter 13 have been
13 set. Unless otherwise ordered, under 11 U.S.C. § 1326(a)(1), the Debtor shall commence making
14 the payments proposed by the Plan within 30 days after the Petition is filed. The Plan must
15 comply with all applicable provisions of 11 U.S.C. § 1325 to be confirmed. Based on the
16 foregoing, as more fully detailed below, the Plan cannot be confirmed as proposed.

17 **A. IMPERMISSIBLY MODIFIES SECURED CREDITOR’S RIGHTS**

18 Under 11 U.S.C. §1322(b)(2), a Plan that modifies the rights of a creditor whose claim
19 is secured only by a security interest in real property that is debtor’s principal residence is
20 impermissible. The proposed Plan does not set forth a reasonable schedule and time period for
21 the payment of the arrearages owed to Secured Creditor. The payoff period and monthly
22 repayment amount proposed by the Debtor exceed a reasonable arrangement in light of Debtor’s
23 past non-payment history. Debtor alleges in the Plan that the arrears owed to Secured Creditor
24 are in the amount of \$88,000.00 while in fact the actual arrears owed are in the amount of
25 \$96,854.93. To cure the pre-petition arrearages of \$96,854.93 over the term of the Plan within
26 60 months, Secured Creditor must receive a minimum payment of \$1,614.25 per month from the
27 Debtor through the Plan. Debtor’s Plan provides for payments to the Trustee in the amount of
28 \$1,725.00 per month for 60 months. Debtor has not provided sufficient funds to cure the arrears

1 over the term of the Plan within 60 months. Therefore, the Plan is not feasible.

2 **CONCLUSION**

3 Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the
4 Objections specified above in order to be reasonable and to comply with applicable provisions
5 of the Bankruptcy Code. Secured Creditor respectfully requests that confirmation of the Chapter
6 13 Plan as proposed by the Debtor be denied.

7 WHEREFORE, Secured Creditor prays as follows:

8 1. That confirmation of the Proposed Chapter 13 Plan be denied,
9 2. For attorneys' fees and costs herein, and
10 3. For such other relief as this Court deems proper.

11
12 Dated: March 29, 2023

/s/ Kristin A. Zilberstein

13 Kristin A. Zilberstein, Esq.
14 Counsel for THE BANK OF NEW YORK
15 MELLON FKA THE BANK OF NEW YORK AS
16 TRUSTEE FOR THE CERTIFICATEHOLDERS
17 OF CWABS, INC., ASSET BACKED
18 CERTIFICATES, SERIES 2004-BC4, its
19 successors and/or assignees
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
6267 Old Water Oak Road, Ste 203
Tallahassee, FL 32312
A true and correct copy of the foregoing document entitled (*specify*): OBJECTION TO CHAPTER 13 PLAN

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 03/29/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Debtor's Counsel - Benjamin R Heston- docs@hestonlaw.com
Trustee- Rod Danielson (TR)- notice-efile@rodan13.com
United States Trustee (RS)- ustpregion16.rs.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) 03/29/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor

Patricia Ann Doublet- 4890 Huntsmen Place, Fontana, CA 92336

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

03/29/2022
Date

Angelica Reyes
Printed Name

/s/ Angelica Reyes
Signature